LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS

54111 BROUGHTON ROAD

MACOMB, MI 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR

MICHAEL D. KOEHS, CLERK MARIE MALBURG, TREASURER DINO F. BUCCI, JR, TRUSTEE JANET DUNN, TRUSTEE

ROGER KRZEMINSKI, TRUSTEE NANCY NEVERS, TRUSTEE

ABSENT: NONE

ALSO PRESENT: Lawrence Dloski, Legal Counsel

Jerome Schmeiser, Planning Consultant James VanTiflin, Engineering Consultant

(Additional attendance on file at the Clerk's Office)

Supervisor BRENNAN called the meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

### **ROLL CALL**

Clerk KOEHS called the roll and the entire Board of Trustees was present.

## APPROVAL OF THE AGENDA

2. The agenda was reviewed and item 23 was suggested to be tabled.

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

**MOTION** carried.

3. 
Both bill runs were reviewed and there were no additions, deletions or corrections.

MOTION by KRZEMINSKI seconded by DUNN to approve both bill runs as presented.

**MOTION** carried.

## APPROVAL OF THE PREVIOUS MEETING MINUTES

4. The minutes of the previous meeting held on July 26, 2006 were reviewed and any additions, corrections or deletions were discussed and made.

MOTION by BUCCI seconded by MALBURG to approve the minutes of the meeting of July 26, 2006 as presented.

**MOTION** carried.

### **AGENDA ITEMS**

## 5. Consent Agenda Items:

## A. Clerk's Department:

- 1. Request for Release of Pathway Bond; Strathmore Subdivision; MA00-161.
- 2. Request for Release of Model Permit Bond; English Gardens Subdivision #2, Lot 55.
- 3. Request for Release of Soil Erosion Bond; Pine Valley Subdivision; MA03-147.
- 4. Request for Release of Water Main Bond; Pine Valley Subdivision; MA03-147.
- 5. Request for Release of Site Plan Bond; Buckingham Village Community Pool; MA99-139.
- 6. Request for Release of Model Permit Bond; Tesner Park Subdivision, Lot 10.
- 7. Request for Release of Model Permit Bond; Edinberg Estates Subdivision, Lot 2.
- 8. Request for Release of Model Permit Bonds; Deerfield Park Subdivision, Lots 34 and 35.
- 9. Request for Release of Model Permit Bond; Towngate Subdivision, Lot 2.
- 10. Request for Release of Model Permit Bond; Riverside Glen Subdivision, Lots 1 and 2.
- 11. Request for Release of Soil Erosion Bond; Pine Valley Subdivision; Permanent Parcel Number 08-04-100-034.
- 12. Request for Release of Model Bond Permit; Fairways of Macomb, Lot 1.

## B. Water and Sewer Department

- 1. Easement Encroachment Agreement: Bernard J. Wouters and Lisa Wouters, 21273 Florence Drive, Macomb, MI, 48044, Lot 212, Edinburgh Estates Subdivision # 2. Parcel No. 08-22-25-022.
- 2. Easement Encroachment Agreement: Ross Wilson and Kristin Wilson, 55405 Silver Creek Lane, Macomb, MI, 48042, Lot 65, The Rivers Subdivision # 1. Parcel No. 08-06-430-027.
- 3. Easement Encroachment Agreement: William Bursteinowicz and Mary Bursteinowicz, 21595 Hayden Court, Macomb, MI, 48044, Lot 382, Cornerstone Village Subdivision # 6. No. 08-27-277-014.

- Easement Encroachment Agreement: Michael W. Harke and Deanna L. Harke, 50534 Russell Drive, Macomb, MI 48044, Lot 53, Middle Branch Estates Subdivision, Parcel No. 08-21-124-012.
- C. Human Resources
  - 1. Request for a Leave of Absence
- D. Department Monthly Reports:
  - 1. Building Department
  - 2. Fire Department
  - 3. Macomb County Sheriffs Department
  - 4. Parks and Recreation Department
  - 5. Water/Sewer Department

Supervisor BRENNAN reviewed the consent agenda and asked if the Board members wanted to remove any item for individual action. There were no requests to remove any item from the consent agenda.

MOTION by DUNN seconded by KOEHS to approve the consent agenda as prepared.

**MOTION** carried.

6. **Public Comments -** (3 minute time limit)

### **PUBLIC HEARING**

7. Public Hearing; Application for an Industrial Development District; Brown-Campbell, Petitioner.

The public hearing was opened at 7:03 p.m. Jay Campbell, representing the petitioner, presented his request for the Industrial Development district and was available to answer any questions.

Supervisor BRENNAN also reviewed this matter and reminded the Board that any approval of this request would imply the granting of a tax abatement for a minimum period of one year.

MOTION by KRZEMINSKI seconded by BUCCI to close the public hearing at 7:06 p.m.

**MOTION** carried.

MOTION by KRZEMINSKI seconded by BUCCI to approve the application for an Industrial Development District, the boundaries of said district being solely

confined to the following described lands: Part of Northwest ¼ of Section 20, T.3N., R.13E., Macomb Township, Macomb County, Michigan, and being more particularly described as: Lot #3 – Macomb Corporate Center, according to the plat thereof as recorded in Liber 135, Pages 28, 29, 30 and 31 of plats, Macomb County records. Parcel Number 08-20-103-003, approximately 3 acres, commonly known as 50654 Corporate Drive, Macomb Township, MI 48044.

MOTION carried.

#### **PLANNING**

8. Final Plan for Stillwater Crossing Site Condominiums; Located on the south side of 24 Mile Road, west of Fairchild Road; Section 13; Elro Corporation, Petitioner. Permanent Parcel No. 08-13-200-028.

Mr. Jerome Schmeiser, Township Planning Consultant, reviewed this matter for the Board and stated his recommendation for approval.

Mr. Daniel Spatafora and Mr. Harry Trebrugen, representing the petitioner, were present and available to answer any questions regarding this matter.

MOTION by KOEHS seconded by DUNN to approve the Final Plan for Stillwater Crossing Site Condominiums, Permanent Parcel No. 08-13-200-028.

MOTION carried.

9. Request for Extension of Time; Preliminary Plat, Lone Oak Estates Subdivision; Located on the North side of 22 Mile Road about 500 feet west of Card Road; Polaris Enterprises, Petitioner; Permanent Parcel Number 08-22-400-032.

Mr. Jerome Schmeiser, Township Planning Consultant, reviewed this matter for the Board and stated his recommendation for approval.

MOTION by DUNN seconded by NEVERS to approve the request for an extension of time for the Preliminary Plat, Lone Oak Estates Subdivision; Permanent Parcel Number 08-22-400-032 for a period of one year to August 1, 2007.

**MOTION** carried.

10. Request for Extension of Time; Final Plan of Phase II of Strathmore Condominiums, Located on the south side of 25 Mile Road, 1050 feet east of Luchtman Road; Rosario Curcuru, Petitioner; Permanent Parcel Number 08-04-100-035.

Mr. Jerome Schmeiser, Township Planning Consultant, reviewed this matter for the Board and stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the Request for Extension of Time for the Final Plan of Phase II of Strathmore Condominiums, Permanent Parcel Number 08-04-100-035 for a period of one year to October 26, 2007.

MOTION carried.

11. **Tentative Preliminary Plat; Manchester Woods**; Located on the east side of Fairchild Road, south of 22 Mile Road; Section 25; Landtec Associates, LLC, Petitioner. Permanent Parcel No. 08-25-226-040

Mr. Jerome Schmeiser, Township Planning Consultant, reviewed this matter for the Board and stated his recommendation that this matter be tabled.

MOTION by BUCCI seconded by KRZEMINSKI to table the matter of the Tentative Preliminary Plat; Manchester Woods, Permanent Parcel No. 08-25-226-040 indefinitely.

MOTION carried.

#### **OLD BUSINESS**

12. Request to Adopt Historical Commission Ordinance.

MOTION by DUNN seconded by NEVERS to adopt the Historical Commission Ordinance as follows:

THE TOWNSHIP OF MACOMB MACOMB COUNTY, MICHIGAN

#### HISTORICAL COMMISSION ORDINANCE

An ordinance creating a Township Historical Commission providing for the appointment of members to the Commission and establishing terms of office for the Commission, describing the functions, general powers and duties of the Commission, and requiring the filing of financial reports.

Section I. <u>Commission established.</u> There is hereby created and established in and for the Township of Macomb a commission hereafter to be known as the Macomb Township Historical Commission.

Section II. <u>Organization, appointment, qualifications.</u> The commission shall consist of seven (7) members to be appointed by the Supervisor with the approval of the Board of Trustees. No person shall be eligible for appointment who has not been a registered elector of the Township of Macomb continuously for at least two (2) years immediately preceding appointment. Members of the commission shall be subject to removal from office by the Supervisor without cause assigned.

Section III. <u>Terms of office, compensation.</u> Members of the commission shall hold office for terms of three (3) years, except in the first initial instance where two (2) members

shall hold office for one (1) year, two (2) members shall hold office for two (2) years and three (3) members shall hold office for three (3) years. Thereafter, all such appointment, except those to fill vacancies, shall be for a term of three (3) years starting January 1, with each member continuing in office, however, until his or her successor is appointed. All appointments for the filling of vacancies occurring otherwise and by expiration of the term, shall be for the unexpired term.

No member shall receive any compensation for their service on this commission.

Section IV. Officers, meetings, records, quorum. The commission shall hold at least one (1) regular meeting in each quarter on such date and at such time and place as may be established by resolution of the commission. Special meetings may be called by the secretary on a written request of the chairman or any three (3) members of the commission on at least twenty-four (24) hour notice. Five (5) members shall constitute a quorum for the transaction of business. Attendance at commission meetings is a condition of appointment. Lack of regular attendance may result in loss of appointment. Further, the commission shall keep a written or printed record of its proceedings which shall be a public record and property of the Township. Also, the commission shall adopt its rules of procedure and may adopt bylaws which further specify its duties and responsibilities or procedural regulations. Meetings shall comply with 267 PA 1976 (Open Meetings Act).

Section V. Officers. The commission shall elect a chairman, vice-chairman, secretary, treasurer and such other officers as may be necessary for the proper conduct of its affairs from its membership annually at its first meeting after the last day of December.

Section VI. Functions. The functions of the commission shall be to further public education and interest in all matters relating to the history of the Township of Macomb and its environs, and to that end it may acquire and maintain appropriate exhibits, cooperate in educational and research programs, and issue bulletins and other publications. All such bulletins and publications shall be reviewed and approved by the Macomb Township Board of Trustees.

Section VII. <u>General powers and duties.</u> The powers and duties of the commission shall be as follows:

- (a) To acquire, collect, own and exhibit, in the name of the Township of Macomb, articles of historical interest and value which pertain to the history of the Township of Macomb, its peoples, and its environs.
- (b) With the approval of the Township Board, to acquire, take and hold, by purchase, gift, devise, bequest, or otherwise, such real and personal property as may be proper for carrying out the objects and functions for which it is established, and any property, real or personal, received in trust, shall be held in the name of the Township, but in conformity with the terms of the trust.
- (c) To otherwise promote public interest and education in, and to preserve, the history of the Township of Macomb, its peoples and its environs; provided, however, that nothing herein shall be construed to abridge, invade, supplant or change the powers and duties of the other commissions, departments, boards and agencies of the Township of Macomb.
- (d) To dispose of any property, real or personal, that has properly

come into the possession of Macomb Township through the Historical Commission and/or Historical Society in a manner consistent with all laws, regulations and practices governing the disposal of such items.

Section VIII. Quarterly financial reports. The commission shall file with the Township Treasurer giving the date of collection or receipt of all money, items and real and personal property collected or received by the commission, and shall pay into the township treasury all moneys so collected.

### Section IX. Severability

If any section, paragraph, clause or provision of this Ordinance is for any reason held invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this Ordinance.

Section X. Publication

A true copy of this Ordinance or summary thereof shall be published in the Macomb Daily, a newspaper of general circulation in the Township of Macomb.

## Section XI. Effective Date

This Ordinance shall take effect seven (7) days after publication.

### Section XII. Certification

I hereby certify that the foregoing constitutes a true and complete copy of an Ordinance duly adopted by the Township Board of Macomb Township, Macomb County, Michigan at a meeting held on the 9th day of August, 2006.

## **MOTION** carried.

13. Request Approval of SMART (Suburban Mobility Authority for Regional Transportation) Municipal Credit and Community Credit Contract for Fiscal Year 2007.

Supervisor BRENNAN reviewed this item and stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by MALBURG to authorize the Supervisor to sign the SMART (Suburban Mobility Authority for Regional Transportation) Municipal Credit and Community Credit Contract for Fiscal Year 2007.

## **MOTION** carried.

14. Request to Authorize Legal Counsel to Defend the Township in the matter of Twin River Development v Township of Macomb.

Supervisor BRENNAN reviewed this item relating to the Tax Tribunal and stated his recommendation for authorization.

> MOTION by BUCCI seconded by KOEHS to authorize Legal Counsel to defend the Township in the Michigan Tax Tribunal matter of Twin River Development v Township of Macomb.

MOTION carried.

### ASSESSING DEPARTMENT

15. Land Division Request; Daniel and Debra DiTomaso, Petitioners; 55191 Broughton Road; Permanent Parcel Number 08-04-400-018.

Public Hearing was opened by Supervisor BRENNAN at 7:16 p.m. Phyllis Sharbo, Assessor, reviewed this item and stated her recommendation for denial because the resulting parcels would not be in compliance with the minimum lot size, the 3 to 1 ratio and the minimum lot widths as required by our ordinances.

MOTION by KRZEMINSKI seconded by BUCCI to close the public hearing at 7:27 p.m.

**MOTION** carried.

MOTION by KRZEMINSKI seconded by BUCCI to deny the land division request of Daniel and Debra DiTomaso, Petitioners; 55191 Broughton Road; Permanent Parcel Number 08-04-400-018 because the resulting parcels would not be in compliance with the minimum lot size, the 3 to 1 ratio and the minimum lot widths as required by our ordinances.

### **MOTION** carried.

16. Request for Training; 2006 Michigan Assessors Association Continuing Education Courses.

Phyllis Sharbo, Assessor, reviewed this item and stated her recommendation for approval as the training is necessary for the staff to maintain their certifications.

MOTION by DUNN seconded by MALBURG to approve the request for training for the Assessing staff as requested in the amount of one thousand seven hundred thirty two dollars and sixty cents, (\$ 1,732.60), plus meals and mileage reimbursement according to township policies.

**MOTION** carried.

## **BUILDING DEPARTMENT**

17. Request for Training; Fall Conferences.

Bob Beckett, Building Official, reviewed this item and stated his recommendation for approval as the training is necessary for the building department staff to maintain their certifications.

MOTION by DUNN seconded by NEVERS to approve the request for training for the Building Department staff as requested in the amount of two thousand two hundred fifty one dollars and thirty cents, (\$ 2,251.30), plus meals and mileage reimbursement according to township policies.

MOTION carried.

### PARKS & RECREATION DEPARTMENT

18. Request for Authorization to Conduct the programs listed in the Fall 2006 REACH catalog.

Salvatore DiCaro, Parks and Recreation Director, reviewed this item and stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to approve the request for authorization to conduct the programs listed in the Fall 2006 REACH catalog, not to exceed thirty thousand dollars, (\$30,000.00).

## **MOTION** carried.

19. Request for Authorization to typeset, print and mail the Fall 2006 REACH catalog.

Salvatore DiCaro, Parks and Recreation Director, reviewed this item and stated that the catalog is nearing completion and further stated his recommendation for approval.

MOTION by DUNN seconded by KOEHS to approve the request for authorization to typeset, print and mail the Fall 2006 REACH catalog for a total cost of ten thousand one hundred eleven dollars and forty one cents, (\$10,111.41).

### MOTION carried.

20. Request to restructure the Wage Scale for the Part Time Staff.

Salvatore DiCaro, Parks and Recreation Director, reviewed this item and stated that this recommendation will bring these wages in line with the township goals, and further stated his recommendation for approval.

MOTION by KRZEMINSKI seconded by NEVERS to approve the proposed wage scale for the Part Time Staff of the Parks and Recreation Department.

MOTION carried.

### **HUMAN RESOURCES DEPARTMENT**

21. Request for Training

John Brogrowicz, Human Resources director, reviewed this request for Sharalyn Arft to attend the Michigan Public Employer Labor Relations Conference and stated his recommendation for approval.

MOTION by DUNN seconded by KRZEMINSKI to approve the request for training in the amount of four hundred and forty dollars, (\$440.00), plus meals and mileage reimbursement according to township policies.

MOTION carried.

### WATER AND SEWER DEPARTMENT

22. Change Order # 1, Marseilles Road Sanitary Sewer (S.A.D. #MA086-S), Salvatore Excavating Company, Inc.

David Koss, Water and Sewer Superintendent, reviewed this matter and the reasons for the change in cost. He further stated his recommendation for approval.

MOTION by BUCCI seconded by KOEHS to approve and pay Change Order # 1, Marseilles Road Sanitary Sewer (S.A.D. #MA086-S), Salvatore Excavating Company, Inc., in the amount of seven thousand nine hundred sixty dollars, (\$ 7,960.00).

### MOTION carried.

23. Pay Certificate # 3, Marseilles Road Water Main Replacement and Sanitary Sewer (S.A.D.) (Final), Salvatore Excavating Company, Inc., MA03-010 & MA04-015.

David Koss, Water and Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by DUNN seconded by MALBURG to approve Pay Certificate # 3, Marseilles Road Water Main Replacement and Sanitary Sewer (S.A.D.) (Final), Salvatore Excavating Company, Inc., MA03-010 & MA04-015 in the amount of eighty five thousand seven hundred twenty five dollars and four cents, (\$85,725.04).

### MOTION carried.

24. 

Landscape Improvements for Township Facilities.

David Koss, Water and Sewer Superintendent, reviewed this matter and stated his recommendation for approval.

MOTION by BUCCI seconded by KRZEMINSKI to table this mater to the next Board Meeting of August 23, 2006.

MOTION carried.

### **BOARD COMMENTS**

25. Supervisor Comments: NONE

26. Clerk Comments: NONE

27. Treasurer Comments: NONE

28. Trustees Comments: NONE

## **EXECUTIVE SESSION**

MOTION by KOEHS seconded by DUNN to adjourn to Executive Session.

MOTION carried. (Adjourned to Executive Session at 7:52 p.m.)

29. Michigan Tax Tribunal Settlement Proposal; Detroit Edison Company; Docket Numbers 261772, 261773, 261774 and 261775.

MOTION by KOEHS seconded by DUNN to accept the proposed settlement with revision for the payment of taxes with the Detroit Edison Company for Docket Numbers 261772, 261773, 261774 and 261775.

AYES: KOEHS, DUNN, NEVERS, BUCCI, KRZEMINSKI, MALBURG,

**BRENNAN** 

NAYES: NONE

**MOTION** carried.

30. Michigan Tax Tribunal Settlement Proposal; SEMCO Energy Gas Company; Docket Number 307020.

MOTION by KOEHS seconded by MALBURG to accept the proposed settlement with the SEMCO Energy Gas Company, Docket Number 307020.

**MOTION** carried.

## **ADJOURNMENT**

Macomb Township Clerk

MOTION by BUCCI seconded by KRZEMINSKI to adjourn the meeting at 7:59 p.m.

MOTION carried.	
Respectfully submitted,	
John D. Brennan Macomb Township Supervisor	
Michael D. Koehs, CMC	